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1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3164, F.S.; revising the definition of the term
4 "existing urban service area"; providing a definition for
5 the term "dense urban land area" and providing
6 requirements of the Office of Economic and Demographic
7 Research and the state land planning agency with respect
8 thereto; amending s. 163.3177, F.S.; revising requirements
9 for adopting amendments to the capital improvements
10 element of a local comprehensive plan; revising
11 requirements for future land use plan elements and
12 intergovernmental coordination elements of a local
13 comprehensive plan; revising requirements for the public
14 school facilities element implementing a school
15 concurrency program; deleting a penalty for local
16 governments that fail to adopt a public school facilities
17 element and interlocal agreement; authorizing the
18 Administration Commission to impose sanctions; amending s.
19 163.3180, F.S.; revising concurrency requirements;
20 providing legislative findings relating to transportation
21 concurrency exception areas; providing for the
22 applicability of transportation concurrency exception
23 areas; deleting certain requirements for transportation
24 concurrency exception areas; providing that the
25 designation of a transportation concurrency exception area
26 does not limit a local government's home rule power to
27 adopt ordinances or impose fees and does not affect any
28 contract or agreement entered into or development order

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rendered before such designation; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature concerning the effects of the transportation concurrency exception areas; authorizing local governments to provide for a waiver of transportation concurrency requirements for certain projects under certain circumstances; revising school concurrency requirements; requiring charter schools to be considered as a mitigation option under certain circumstances; amending s. 163.31801, F.S.; revising requirements for adoption of impact fees; creating s. 163.31802, F.S.; prohibiting establishment of local standards for security devices requiring businesses to expend funds to enhance local governmental services or functions under certain circumstances; amending s. 163.3184, F.S.; authorizing local governments to use an alternative state review process for certain comprehensive plan amendments or amendment packages; providing requirements; amending s. 163.3187, F.S.; exempting certain additional comprehensive plan amendments from the twice-per-year limitation; amending s. 163.3245, F.S.; expanding the number of local governments eligible to adopt optional sector plans into their comprehensive plans; amending s. 163.3246, F.S.; specifying certain counties and municipalities as certified under the local government comprehensive planning certification program; providing duties and responsibilities of the Office of Economic and Demographic Research; providing certification

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57 requirements; requiring such local governments to submit
58 monitoring reports; providing report requirements;
59 deleting a reporting requirement for the Office of Program
60 Policy Analysis and Government Accountability; amending s.
61 163.32465, F.S.; providing for an alternative state review
62 process for local comprehensive plan amendments; providing
63 requirements, procedures, and limitations for exemptions
64 from state review of comprehensive plans; making permanent
65 and applying statewide an alternative state review
66 process; revising the requirements, procedures, and
67 limitations for the alternate state review process;
68 requiring that agencies submit comments within a specified
69 period after the state land planning agency notifies the
70 local government that the plan amendment package is
71 complete; requiring that the local government adopt a plan
72 amendment within a specified period after comments are
73 received; authorizing the state land planning agency to
74 adopt rules and submit certain reports; deleting
75 provisions relating to reporting requirements for the
76 Office of Program Policy Analysis and Government
77 Accountability; deleting pilot program provisions;
78 amending s. 171.091, F.S.; requiring that a municipality
79 submit a copy of any revision to the charter boundary
80 article which results from an annexation or contraction to
81 the Office of Economic and Demographic Research; amending
82 s. 186.509, F.S.; revising provisions relating to a
83 dispute resolution process to reconcile differences on
84 planning and growth management issues between certain

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parties of interest; providing for mandatory mediation; amending s. 380.06, F.S.; providing exemptions for dense urban land areas from the development-of-regional-impact program; providing exceptions; providing legislative findings and determinations relating to replacing the transportation concurrency system with a mobility fee system; requiring the state land planning agency and the Department of Transportation to study and develop a methodology for a mobility fee system; specifying criteria; requiring joint reports to the Legislature; specifying report requirements; providing for extending certain permits, orders, or land use applications due to expire; prohibiting issuance of new permits, order, or land use applications under certain circumstances; providing for application of the extension to certain related activities; specifying nonapplication to certain permits or approvals by the Federal Government or certain permits in water-use caution areas; preserving the authority of counties and municipalities to impose certain security and sanitary requirements on property owners under certain circumstances; requiring permitholders to notify permitting agencies of intent to use the extension; providing a legislative declaration of important state interest; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (29) of section 163.3164, Florida

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Statutes, is amended, and subsection (34) is added to that section, to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.--As used in this act:

(29) "~~Existing~~ Urban service area" means built-up areas where public facilities and services, including, but not limited to, central water and sewer capacity ~~such as sewage treatment systems,~~ roads, schools, and recreation areas, are already in place. In addition, for counties that qualify as dense urban land areas under subsection (34), the nonrural area of a county which has adopted into the county charter a rural area designation or areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009, are also urban service areas under this definition.

(34) "Dense urban land area" means:

(a) A municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;

(b) A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or

(c) A county, including the municipalities located therein, which has a population of at least 1 million.

The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas by using the most recent land area data

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141 from the decennial census conducted by the Bureau of the Census
142 of the United States Department of Commerce and the latest
143 available population estimates determined pursuant to s.
144 186.901. If any local government has had an annexation,
145 contraction, or new incorporation, the Office of Economic and
146 Demographic Research shall determine the population density
147 using the new jurisdictional boundaries as recorded in
148 accordance with s. 171.091. The Office of Economic and
149 Demographic Research shall submit to the state land planning
150 agency a list of jurisdictions that meet the total population
151 and density criteria necessary for designation as a dense urban
152 land area by July 1, 2009, and every year thereafter. The state
153 land planning agency shall publish the list of jurisdictions on
154 its Internet website within 7 days after the list is received.
155 The designation of jurisdictions that qualify or do not qualify
156 as a dense urban land area is effective upon publication on the
157 state land planning agency's Internet website.

158 Section 2. Paragraphs (b) and (c) of subsection (3),
159 paragraphs (a) and (h) of subsection (6), and paragraphs (a),
160 (j), and (k) of subsection (12) of section 163.3177, Florida
161 Statutes, are amended, and paragraph (f) is added to subsection
162 (3) of that section, to read:

163 163.3177 Required and optional elements of comprehensive
164 plan; studies and surveys.--

165 (3)

166 (b)1. The capital improvements element must be reviewed on
167 an annual basis and modified as necessary in accordance with s.
168 163.3187 or s. 163.3189 in order to maintain a financially

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feasible 5-year schedule of capital improvements. Corrections and modifications concerning costs; revenue sources; or acceptance of facilities pursuant to dedications which are consistent with the plan may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule. All public facilities must be consistent with the capital improvements element. The annual update to the capital improvements element of the comprehensive plan need not comply with the financial feasibility requirement until December 1, 2011. ~~Amendments to implement this section must be adopted and transmitted no later than December 1, 2008.~~ Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2011 ~~2008~~, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.

2. Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6).

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196 (c) If the local government does not adopt the required
197 annual update to the schedule of capital improvements, the state
198 land planning agency may issue a notice to the local government
199 to show cause why sanctions should not be enforced for failure
200 to submit the annual update and may ~~must~~ notify the
201 Administration Commission. A local government that has a
202 demonstrated lack of commitment to meeting its obligations
203 identified in the capital improvements element may be subject to
204 sanctions by the Administration Commission pursuant to s.
205 163.3184(11).

206 (f) A local government that has designated a
207 transportation concurrency exception area in its comprehensive
208 plan pursuant to s. 163.3180(5) shall be deemed to meet the
209 requirement to achieve and maintain level-of-service standards
210 if the capital improvements element and, as appropriate, the
211 capital improvements schedule include any capital improvements
212 planned within the scheduled timeframe based upon the strategies
213 adopted in the plan to promote mobility.

214 (6) In addition to the requirements of subsections (1)-(5)
215 and (12), the comprehensive plan shall include the following
216 elements:

217 (a) A future land use plan element designating proposed
218 future general distribution, location, and extent of the uses of
219 land for residential uses, commercial uses, industry,
220 agriculture, recreation, conservation, education, public
221 buildings and grounds, other public facilities, and other
222 categories of the public and private uses of land. Counties are
223 encouraged to designate rural land stewardship areas, pursuant

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224 to the provisions of paragraph (11)(d), as overlays on the
225 future land use map. Each future land use category must be
226 defined in terms of uses included, and must include standards to
227 be followed in the control and distribution of population
228 densities and building and structure intensities. The proposed
229 distribution, location, and extent of the various categories of
230 land use shall be shown on a land use map or map series which
231 shall be supplemented by goals, policies, and measurable
232 objectives. The future land use plan shall be based upon
233 surveys, studies, and data regarding the area, including the
234 amount of land required to accommodate anticipated growth; the
235 projected population of the area; the character of undeveloped
236 land; the availability of water supplies, public facilities, and
237 services; the need for redevelopment, including the renewal of
238 blighted areas and the elimination of nonconforming uses which
239 are inconsistent with the character of the community; the
240 compatibility of uses on lands adjacent to or closely proximate
241 to military installations; the discouragement of urban sprawl;
242 energy-efficient land use patterns accounting for existing and
243 future electric power generation and transmission systems;
244 greenhouse gas reduction strategies; and, in rural communities,
245 the need for job creation, capital investment, and economic
246 development that will strengthen and diversify the community's
247 economy. The future land use plan may designate areas for future
248 planned development use involving combinations of types of uses
249 for which special regulations may be necessary to ensure
250 development in accord with the principles and standards of the
251 comprehensive plan and this act. The future land use plan

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252 element shall include criteria to be used to achieve the
253 compatibility of adjacent or closely proximate lands with
254 military installations. In addition, for rural communities and
255 counties designated as a rural area of critical economic concern
256 pursuant to s. 288.0656, the amount of land designated for
257 future planned industrial, residential, commercial, or other
258 land use shall be based upon surveys and studies that reflect
259 the need for job creation, capital investment, and the necessity
260 to strengthen and diversify the local economies, and shall not
261 be limited ~~solely~~ by the projected population of the rural
262 community. The future land use plan of a county may also
263 designate areas for possible future municipal incorporation or
264 new towns which shall not be limited by the projected population
265 of the county. The land use maps or map series shall generally
266 identify and depict historic district boundaries and shall
267 designate historically significant properties meriting
268 protection. For coastal counties, the future land use element
269 must include, without limitation, regulatory incentives and
270 criteria that encourage the preservation of recreational and
271 commercial working waterfronts as defined in s. 342.07. The
272 future land use element must clearly identify the land use
273 categories in which public schools are an allowable use. When
274 delineating the land use categories in which public schools are
275 an allowable use, a local government shall include in the
276 categories sufficient land proximate to residential development
277 to meet the projected needs for schools in coordination with
278 public school boards and may establish differing criteria for
279 schools of different type or size. Each local government shall

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include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. The failure by a local government to comply with these school siting requirements will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall

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transmit the update or amendment to the department by June 30, 2006.

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.0361, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 1013.30.

c. The intergovernmental coordination element shall ~~may~~ provide for a ~~voluntary~~ dispute resolution process as

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established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. ~~A local government may develop and use an alternative local dispute resolution process for this purpose.~~

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities

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report to the appropriate local government as required by s.
189.415.

4.a. Local governments must execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777. The local government shall amend the intergovernmental coordination element to provide that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement.

b. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).

5. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

6. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which:

a. Identifies all existing or proposed interlocal service delivery agreements regarding the following: education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

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391 b. Identifies any deficits or duplication in the provision
392 of services within its jurisdiction, whether capital or
393 operational. Upon request, the Department of Community Affairs
394 shall provide technical assistance to the local governments in
395 identifying deficits or duplication.

396 7. Within 6 months after submission of the report, the
397 Department of Community Affairs shall, through the appropriate
398 regional planning council, coordinate a meeting of all local
399 governments within the regional planning area to discuss the
400 reports and potential strategies to remedy any identified
401 deficiencies or duplications.

402 8. Each local government shall update its
403 intergovernmental coordination element based upon the findings
404 in the report submitted pursuant to subparagraph 6. The report
405 may be used as supporting data and analysis for the
406 intergovernmental coordination element.

407 (12) A public school facilities element adopted to
408 implement a school concurrency program shall meet the
409 requirements of this subsection. Each county and each
410 municipality within the county, unless exempt or subject to a
411 waiver, must adopt a public school facilities element that is
412 consistent with those adopted by the other local governments
413 within the county and enter the interlocal agreement pursuant to
414 s. 163.31777.

415 (a) The state land planning agency may provide a waiver to
416 a county and to the municipalities within the county if the
417 capacity rate for all schools within the school district is no
418 greater than 100 percent and the projected 5-year capital outlay

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419 full-time equivalent student growth rate is less than 10
420 percent. The state land planning agency may allow for a
421 projected 5-year capital outlay full-time equivalent student
422 growth rate to exceed 10 percent when the projected 10-year
423 capital outlay full-time equivalent student enrollment is less
424 than 2,000 students and the capacity rate for all schools within
425 the school district in the tenth year will not exceed the 100-
426 percent limitation. The state land planning agency may allow for
427 a single school to exceed the 100-percent limitation if it can
428 be demonstrated that the capacity rate for that single school is
429 not greater than 105 percent. In making this determination, the
430 state land planning agency shall consider the following
431 criteria:

432 1. Whether the exceedance is due to temporary
433 circumstances;

434 2. Whether the projected 5-year capital outlay full time
435 equivalent student growth rate for the school district is
436 approaching the 10-percent threshold;

437 3. Whether one or more additional schools within the
438 school district are at or approaching the 100-percent threshold;
439 and

440 4. The adequacy of the data and analysis submitted to
441 support the waiver request.

442 (j) If a local government fails ~~Failure~~ to adopt the
443 public school facilities element, ~~to~~ enter into an approved
444 interlocal agreement as required by subparagraph (6)(h)2. and s.
445 163.31777, or ~~to~~ amend the comprehensive plan as necessary to
446 implement school concurrency, according to the phased schedule,

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447 ~~shall result in a local government being prohibited from~~
448 ~~adopting amendments to the comprehensive plan which increase~~
449 ~~residential density until the necessary amendments have been~~
450 ~~adopted and transmitted to the state land planning agency.~~

451 ~~(k)~~ the state land planning agency may issue ~~the school~~
452 ~~board~~ a notice to the school board and the local government to
453 show cause why sanctions should not be enforced for such failure
454 ~~to enter into an approved interlocal agreement as required by s.~~
455 ~~163.31777 or for failure to implement the provisions of this act~~
456 ~~relating to public school concurrency.~~ The school board may be
457 subject to sanctions imposed by the Administration Commission
458 directing the Department of Education to withhold from the
459 district school board an equivalent amount of funds for school
460 construction available pursuant to ss. 1013.65, 1013.68,
461 1013.70, and 1013.72. The local government may be subject to
462 sanctions by the Administration Commission pursuant to s.
463 163.3184(11).

464 Section 3. Subsections (5) and (10), and paragraph (e) of
465 subsection (13) of section 163.3180, Florida Statutes, are
466 amended to read:

467 163.3180 Concurrency.--

468 (5)(a) The Legislature finds that under limited
469 circumstances ~~dealing with transportation facilities,~~
470 countervailing planning and public policy goals may come into
471 conflict with the requirement that adequate public
472 transportation facilities and services be available concurrent
473 with the impacts of such development. The Legislature further
474 finds that ~~often~~ the unintended result of the concurrency

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requirement for transportation facilities is often the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. The Legislature also finds that in urban centers transportation cannot be effectively managed and mobility cannot be improved solely through the expansion of roadway capacity, that the expansion of roadway capacity is not always physically or financially possible, and that a range of transportation alternatives are essential to satisfy mobility needs, reduce congestion, and achieve healthy, vibrant centers. ~~Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.~~

(b)1. The following are transportation concurrency exception areas:

a. A municipality that qualifies as a dense urban land area under s. 163.3164;

b. An urban service area under s. 163.3164 that has been adopted into the local comprehensive plan and is located within a county that qualifies as a dense urban land area under s. 163.3164, except a limited urban service area may not be included as an urban service area unless the parcel is defined as provided in s. 163.3164(33); and

c. A county, including the municipalities located therein, which has a population of at least 900,000 and qualifies as a dense urban land area under s. 163.3164, but does not have an urban service area designated in the local comprehensive plan.

2. A municipality that does not qualify as a dense urban

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land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:

- a. Urban infill as defined in s. 163.3164;
- b. Community redevelopment areas as defined in s. 163.340;
- c. Downtown revitalization areas as defined in s. 163.3164;
- d. Urban infill and redevelopment under s. 163.2517; or
- e. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).

3. A county that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:

- a. Urban infill as defined in s. 163.3164;
- b. Urban infill and redevelopment under s. 163.2517; or
- c. Urban service areas as defined in s. 163.3164.

4. A local government that has a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. shall, within 2 years after the designated area becomes exempt, adopt into its local comprehensive plan land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation. Local governments are encouraged to adopt complementary land use and transportation strategies that reflect the region's shared vision for its future. If the state land planning agency finds insufficient

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531 cause for the failure to adopt into its comprehensive plan land
532 use and transportation strategies to support and fund mobility
533 within the designated exception area after 2 years, it shall
534 submit the finding to the Administration Commission, which may
535 impose any of the sanctions set forth in s. 163.3184(11)(a) and
536 (b) against the local government.

537 5. Transportation concurrency exception areas designated
538 pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.
539 do not apply to designated transportation concurrency districts
540 located within a county that has a population of at least 1.5
541 million, has implemented and uses a transportation-related
542 concurrency assessment to support alternative modes of
543 transportation, including, but not limited to, mass transit, and
544 does not levy transportation impact fees within the concurrency
545 district.

546 6. A local government that does not have a transportation
547 concurrency exception area designated pursuant to subparagraph
548 1., subparagraph 2., or subparagraph 3. may grant an exception
549 from the concurrency requirement for transportation facilities
550 if the proposed development is otherwise consistent with the
551 adopted local government comprehensive plan and is a project
552 that promotes public transportation or is located within an area
553 designated in the comprehensive plan for:

- 554 a.1. Urban infill development;
555 b.2. Urban redevelopment;
556 c.3. Downtown revitalization;
557 d.4. Urban infill and redevelopment under s. 163.2517; or
558 e.5. An urban service area specifically designated as a

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transportation concurrency exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the capital improvements element.

(c) The Legislature also finds that developments located within urban infill, urban redevelopment, ~~existing~~ urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517, which pose only special part-time demands on the transportation system, are exempt ~~should be excepted~~ from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

(d) Except for transportation concurrency exception areas designated pursuant to subparagraph (b)1., subparagraph (b)2., or subparagraph (b)3., the following requirements apply: ~~A local government shall establish guidelines in the comprehensive plan for granting the exceptions authorized in paragraphs (b) and (c) and subsections (7) and (15) which must be consistent with and support a comprehensive strategy adopted in the plan to promote the purpose of the exceptions.~~

1.(e) The local government shall both adopt into the comprehensive plan and implement long-term strategies to support

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587 and fund mobility within the designated exception area,
588 including alternative modes of transportation. The plan
589 amendment must also demonstrate how strategies will support the
590 purpose of the exception and how mobility within the designated
591 exception area will be provided.

592 2. ~~In addition,~~ The strategies must address urban design;
593 appropriate land use mixes, including intensity and density; and
594 network connectivity plans needed to promote urban infill,
595 redevelopment, or downtown revitalization. The comprehensive
596 plan amendment designating the concurrency exception area must
597 be accompanied by data and analysis supporting the local
598 government's determination of the boundaries of the
599 transportation concurrency exception ~~justifying the size of the~~
600 area.

601 ~~(e)(f)~~ Before designating ~~Prior to the designation of a~~
602 concurrency exception area pursuant to subparagraph (b) 6., the
603 state land planning agency and the Department of Transportation
604 shall be consulted by the local government to assess the impact
605 that the proposed exception area is expected to have on the
606 adopted level-of-service standards established for regional
607 transportation facilities identified pursuant to s. 186.507,
608 including the Strategic Intermodal System facilities, ~~as defined~~
609 ~~in s. 339.64,~~ and roadway facilities funded in accordance with
610 s. 339.2819. Further, the local government shall provide a plan
611 for the mitigation of, ~~in consultation with the state land~~
612 ~~planning agency and the Department of Transportation, develop a~~
613 ~~plan to mitigate any impacts to the Strategic Intermodal System,~~
614 including, if appropriate, access management, parallel reliever

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615 roads, transportation demand management, and other measures ~~the~~
616 ~~development of a long-term concurrency management system~~
617 ~~pursuant to subsection (9) and s. 163.3177(3)(d). The exceptions~~
618 ~~may be available only within the specific geographic area of the~~
619 ~~jurisdiction designated in the plan. Pursuant to s. 163.3184,~~
620 ~~any affected person may challenge a plan amendment establishing~~
621 ~~these guidelines and the areas within which an exception could~~
622 ~~be granted.~~

623 ~~(g) Transportation concurrency exception areas existing~~
624 ~~prior to July 1, 2005, must, at a minimum, meet the provisions~~
625 ~~of this section by July 1, 2006, or at the time of the~~
626 ~~comprehensive plan update pursuant to the evaluation and~~
627 ~~appraisal report, whichever occurs last.~~

628 (f) The designation of a transportation concurrency
629 exception area does not limit a local government's home rule
630 power to adopt ordinances or impose fees. This subsection does
631 not affect any contract or agreement entered into or development
632 order rendered before the creation of the transportation
633 concurrency exception area except as provided in s.
634 380.06(29)(e).

635 (g) The Office of Program Policy Analysis and Government
636 Accountability shall submit to the President of the Senate and
637 the Speaker of the House of Representatives by February 1, 2015,
638 a report on transportation concurrency exception areas created
639 pursuant to this subsection. At a minimum, the report shall
640 address the methods that local governments have used to
641 implement and fund transportation strategies to achieve the
642 purposes of designated transportation concurrency exception

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643 areas, and the effects of the strategies on mobility,
644 congestion, urban design, the density and intensity of land use
645 mixes, and network connectivity plans used to promote urban
646 infill, redevelopment, or downtown revitalization.

647 (10) Except in transportation concurrency exception areas,
648 with regard to roadway facilities on the Strategic Intermodal
649 System designated in accordance with s. ss. 339.61, 339.62,
650 339.63 , and 339.64, the Florida Intrastate Highway System as
651 defined in s. 338.001, and roadway facilities funded in
652 accordance with s. 339.2819, local governments shall adopt the
653 level-of-service standard established by the Department of
654 Transportation by rule. However, if the Office of Tourism,
655 Trade, and Economic Development concurs in writing with the
656 local government that the proposed development is for a
657 qualified job creation project under s. 288.0656 or s. 403.973,
658 the affected local government, after consulting with the
659 Department of Transportation, may provide for a waiver of
660 transportation concurrency for the project. For all other roads
661 on the State Highway System, local governments shall establish
662 an adequate level-of-service standard that need not be
663 consistent with any level-of-service standard established by the
664 Department of Transportation. In establishing adequate level-of-
665 service standards for any arterial roads, or collector roads as
666 appropriate, which traverse multiple jurisdictions, local
667 governments shall consider compatibility with the roadway
668 facility's adopted level-of-service standards in adjacent
669 jurisdictions. Each local government within a county shall use a
670 professionally accepted methodology for measuring impacts on

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transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.

(13) School concurrency shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12). The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). The minimum requirements for school concurrency are the following:

(e) Availability standard.--Consistent with the public welfare, a local government may not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within

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699 3 years after the issuance of final subdivision or site plan
700 approval, or the functional equivalent. School concurrency is
701 satisfied if the developer executes a legally binding commitment
702 to provide mitigation proportionate to the demand for public
703 school facilities to be created by actual development of the
704 property, including, but not limited to, the options described
705 in subparagraph 1. Options for proportionate-share mitigation of
706 impacts on public school facilities must be established in the
707 public school facilities element and the interlocal agreement
708 pursuant to s. 163.31777.

709 1. Appropriate mitigation options include the contribution
710 of land; the construction, expansion, or payment for land
711 acquisition or construction of a public school facility; the
712 construction of a charter school that complies with the
713 requirements of s. 1002.33(18)(f); or the creation of mitigation
714 banking based on the construction of a public school facility in
715 exchange for the right to sell capacity credits. Such options
716 must include execution by the applicant and the local government
717 of a development agreement that constitutes a legally binding
718 commitment to pay proportionate-share mitigation for the
719 additional residential units approved by the local government in
720 a development order and actually developed on the property,
721 taking into account residential density allowed on the property
722 prior to the plan amendment that increased the overall
723 residential density. The district school board must be a party
724 to such an agreement. As a condition of its entry into such a
725 development agreement, the local government may require the

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landowner to agree to continuing renewal of the agreement upon its expiration.

2. If the education facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition; ~~or~~ the construction or expansion of a public school facility, or a portion thereof; or the construction of a charter school that complies with the requirements of s. 1002.33(18)(f), as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

3. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in a financially feasible 5-year district work plan that satisfies the demands created by the development in accordance with a binding developer's agreement.

4. If a development is precluded from commencing because there is inadequate classroom capacity to mitigate the impacts of the development, the development may nevertheless commence if there are accelerated facilities in an approved capital improvement element scheduled for construction in year four or later of such plan which, when built, will mitigate the proposed development, or if such accelerated facilities will be in the next annual update of the capital facilities element, the developer enters into a binding, financially guaranteed agreement with the school district to construct an accelerated

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754 facility within the first 3 years of an approved capital
755 improvement plan, and the cost of the school facility is equal
756 to or greater than the development's proportionate share. When
757 the completed school facility is conveyed to the school
758 district, the developer shall receive impact fee credits usable
759 within the zone where the facility is constructed or any
760 attendance zone contiguous with or adjacent to the zone where
761 the facility is constructed.

762 5. This paragraph does not limit the authority of a local
763 government to deny a development permit or its functional
764 equivalent pursuant to its home rule regulatory powers, except
765 as provided in this part.

766 Section 4. Paragraph (d) of subsection (3) of section
767 163.31801, Florida Statutes, is amended to read:

768 163.31801 Impact fees; short title; intent; definitions;
769 ordinances levying impact fees.--

770 (3) An impact fee adopted by ordinance of a county or
771 municipality or by resolution of a special district must, at
772 minimum:

773 (d) Require that notice be provided no less than 90 days
774 before the effective date of an ordinance or resolution imposing
775 a new or increased ~~amended~~ impact fee. A county or municipality
776 is not required to wait 90 days to decrease, suspend, or
777 eliminate an impact fee.

778 Section 5. Section 163.31802, Florida Statutes, is created
779 to read:

780 163.31802 Prohibited standards for security devices.--A
781 county, municipality, or other entity of local government may

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782 not adopt or maintain in effect an ordinance or rule that
783 establishes standards for security devices that require a lawful
784 business to expend funds to enhance the services or functions
785 provided by local government unless specifically provided by
786 general law.

787 Section 6. Subsection (2) of section 163.3184, Florida
788 Statutes, is amended, and paragraph (e) is added to subsection
789 (3) of that section, to read:

790 163.3184 Process for adoption of comprehensive plan or
791 plan amendment.--

792 (2) COORDINATION.--Each comprehensive plan or plan
793 amendment proposed to be adopted pursuant to this part shall be
794 transmitted, adopted, and reviewed in the manner prescribed in
795 this section. The state land planning agency shall have
796 responsibility for plan review, coordination, and the
797 preparation and transmission of comments, pursuant to this
798 section, to the local governing body responsible for the
799 comprehensive plan. The state land planning agency shall
800 maintain a single file concerning any proposed or adopted plan
801 amendment submitted by a local government for any review under
802 this section. Copies of all correspondence, papers, notes,
803 memoranda, and other documents received or generated by the
804 state land planning agency must be placed in the appropriate
805 file. Paper copies of all electronic mail correspondence must be
806 placed in the file. The file and its contents must be available
807 for public inspection and copying as provided in chapter 119. A
808 local government may elect to use the alternative state review
809 process in s. 163.32465 for any amendment or amendment package

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not expressly excluded by s. 163.32465(3). The local government must establish in its transmittal hearing required pursuant to this subsection that it elects to undergo the alternative state review process. If the local government has not specifically approved the alternative state review process for the amendment or amendment package, the amendment or amendment package shall be reviewed subject to the applicable process established in this section or s. 163.3187.

(3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR AMENDMENT.--

(e) At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact the provisions of any proposed plan amendment transmitted pursuant to this subsection. Zoning changes approved by the local government are contingent upon the state land planning agency issuing a notice of intent to find that the comprehensive plan or plan amendment transmitted is in compliance with this act.

Section 7. Paragraphs (b) and (f) of subsection (1) of section 163.3187, Florida Statutes, are amended, and paragraph (g) is added to that subsection, to read:

163.3187 Amendment of adopted comprehensive plan.--

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(b) Any local government comprehensive plan amendments directly related to a proposed development of regional impact, including changes which have been determined to be substantial

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838 deviations and including Florida Quality Developments pursuant
839 to s. 380.061, may be initiated by a local planning agency and
840 considered by the local governing body at the same time as the
841 application for development approval using the procedures
842 provided for local plan amendment in this section and applicable
843 local ordinances, ~~without regard to statutory or local ordinance~~
844 ~~limits on the frequency of consideration of amendments to the~~
845 ~~local comprehensive plan. Nothing in this subsection shall be~~
846 ~~deemed to require favorable consideration of a plan amendment~~
847 ~~solely because it is related to a development of regional~~
848 ~~impact.~~

849 (f) ~~Any comprehensive plan amendment that changes the~~
850 ~~schedule in~~ The capital improvements element annual update
851 required in s. 163.3177(3)(b)1.7 and any amendments directly
852 related to the schedule, ~~may be made once in a calendar year on~~
853 ~~a date different from the two times provided in this subsection~~
854 ~~when necessary to coincide with the adoption of the local~~
855 ~~government's budget and capital improvements program.~~

856 (q) Any local government plan amendment to designate an
857 urban service area, which exists in the local government's
858 comprehensive plan as of July 1, 2009, as a transportation
859 concurrency exception area under s. 163.3180(5)(b)2. or 3. and
860 an area exempt from the development-of-regional-impact process
861 under s. 380.06(29).

862 Section 8. Subsection (1) of section 163.3245, Florida
863 Statutes, is amended to read:

864 163.3245 Optional sector plans.--

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(1) In recognition of the benefits of conceptual long-range planning for the buildout of an area, and detailed planning for specific areas, as a demonstration project, the requirements of s. 380.06 may be addressed as identified by this section for up to 10 ~~five~~ local governments or combinations of local governments which adopt into the comprehensive plan an optional sector plan in accordance with this section. This section is intended to further the intent of s. 163.3177(11), which supports innovative and flexible planning and development strategies, and the purposes of this part, and part I of chapter 380, and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. Optional sector plans are intended for substantial geographic areas including at least 5,000 acres of one or more local governmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and facilities. The state land planning agency may approve optional sector plans of less than 5,000 acres based on local circumstances if it is determined that the plan would further the purposes of this part and part I of chapter 380. Preparation of an optional sector plan is authorized by agreement between the state land planning agency and the applicable local governments under s. 163.3171(4). An optional sector plan may be adopted through one or more comprehensive plan amendments under

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s. 163.3184. However, an optional sector plan may not be authorized in an area of critical state concern.

Section 9. Subsections (12), (13), and (14) of section 163.3246, Florida Statutes, are amended, and a new subsection (12) is added to that section, to read:

163.3246 Local government comprehensive planning certification program.--

(12) Notwithstanding subsections (2), (4), (5), (6), and (7), any county that has a population greater than 1 million and an average of at least 1,000 residents per square mile and municipalities that have a population greater than 100,000 and an average of at least 1,000 residents per square mile shall be considered certified. The population and density needed to identify local governments that qualify for certification under this subsection shall be determined annually by the Office of Economic and Demographic Research using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. The office shall annually submit to the state land planning agency a list of jurisdictions that meet the total population and density criteria necessary to qualify for certification. For each local government identified by the Office of Economic and Demographic Research as meeting the certification criteria in this subsection, the state land planning agency shall provide a written notice of certification to the local government, which shall be considered final agency action subject to challenge under s. 120.569. The notice of

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certification shall include a requirement that the local government submit a monitoring report at least every 2 years according to the schedule provided in the written notice. The monitoring report shall include the number of amendments to the comprehensive plan adopted by the local government, the number of plan amendments challenged by an affected person, and the disposition of those challenges.

(13)~~(12)~~ A local government's certification shall be reviewed by the local government and the department as part of the evaluation and appraisal process pursuant to s. 163.3191. Within 1 year after the deadline for the local government to update its comprehensive plan based on the evaluation and appraisal report, the department shall renew or revoke the certification. The local government's failure to adopt a timely evaluation and appraisal report, failure to adopt an evaluation and appraisal report found to be sufficient, or failure to timely adopt amendments based on an evaluation and appraisal report found to be in compliance by the department shall be cause for revoking the certification agreement. The department's decision to renew or revoke shall be considered agency action subject to challenge under s. 120.569.

(14)~~(13)~~ The department shall, by October ~~July~~ 1 of each odd-numbered year, submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report listing certified local governments, evaluating the effectiveness of the certification, and including any recommendations for legislative actions.

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~~(14) The Office of Program Policy Analysis and Government Accountability shall prepare a report evaluating the certification program, which shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2007.~~

Section 10. Section 163.32465, Florida Statutes, is amended to read:

163.32465 Alternative state review process for ~~of~~ local comprehensive plan amendments ~~plans in urban areas.--~~

(1) LEGISLATIVE FINDINGS.--

(a) The Legislature finds that local governments in this state have a wide diversity of resources, conditions, abilities, and needs. The Legislature also finds that the needs and resources of urban areas are different from those of rural areas and that different planning and growth management approaches, strategies, and techniques are required ~~in urban areas~~. The state role in overseeing growth management should reflect this diversity and should vary based on local government conditions, capabilities, and needs, and the extent and type of development. Therefore ~~Thus~~, the Legislature recognizes ~~and finds~~ that reduced state oversight of local comprehensive planning is justified for some local governments and for certain types of development ~~in urban areas~~.

(b) The Legislature finds and declares that the diversity among local governments of this state ~~state's urban areas~~ require recognition that the ~~a reduced~~ level of state oversight should reflect the ~~because of their high~~ degree of urbanization and the planning capabilities and resources available to ~~of many~~

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975 ~~of their~~ local governments. An alternative state review process
976 that is adequate to protect issues of regional or statewide
977 importance should be reflective of local governments' needs and
978 capabilities ~~created for appropriate local governments in these~~
979 areas. Further, the Legislature finds that development,
980 including urban infill and redevelopment, should be encouraged
981 in ~~these~~ urban areas. The Legislature finds that an alternative
982 process for amending local comprehensive plans in these areas
983 should be established with an objective of streamlining the
984 process and recognizing local responsibility and accountability.

985 ~~(c) The Legislature finds a pilot program will be~~
986 ~~beneficial in evaluating an alternative, expedited plan~~
987 ~~amendment adoption and review process. Pilot local governments~~
988 ~~shall represent highly developed counties and the municipalities~~
989 ~~within these counties and highly populated municipalities.~~

990 (2) ALTERNATIVE STATE REVIEW PROCESS ~~PILOT PROGRAM.~~--A
991 local government may elect pursuant to s. 163.3184 to use the
992 alternative state review process for any amendment or amendment
993 package not expressly excluded by subsection (3). ~~Pinellas and~~
994 ~~Broward Counties, and the municipalities within these counties,~~
995 ~~and Jacksonville, Miami, Tampa, and Hialeah shall follow an~~
996 ~~alternative state review process provided in this section.~~
997 ~~Municipalities within the pilot counties may elect, by super~~
998 ~~majority vote of the governing body, not to participate in the~~
999 ~~pilot program.~~

1000 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
1001 ~~UNDER THE PILOT PROGRAM.~~--

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(a) Plan amendments adopted under this section ~~by the pilot program jurisdictions~~ shall follow the alternate, expedited process in subsections (4) and (5), except as set forth in paragraphs (b) - (d) ~~(b) - (e) of this subsection~~.

(b) An amendment to a comprehensive plan is not eligible for the alternative state review process and shall be reviewed subject to the applicable processes established in ss. 163.3184 and 163.3187 if the amendment:

1. Designates or implements a rural land stewardship area pursuant to s. 163.3177(11)(d);

2. Designates or implements an optional sector plan;

3. Applies within an area of critical state concern or a coastal high-hazard area;

4. Incorporates into a municipal comprehensive plan lands that have been annexed;

5. Updates a comprehensive plan based on an evaluation and appraisal report;

6. Implements new plans for newly incorporated municipalities;

7. Implements statutory requirements that were not previously incorporated into the comprehensive plan; or

8. Changes the boundary of a jurisdiction's urban service area as defined in s. 163.3164. ~~Amendments that qualify as small-scale development amendments may continue to be adopted by the pilot program jurisdictions pursuant to s. 163.3187(1)(c) and (3).~~

(c) Plan amendments adopted under this section ~~that propose a rural land stewardship area pursuant to s.~~

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163.3177(11)(d); ~~propose an optional sector plan; update a comprehensive plan based on an evaluation and appraisal report; implement new statutory requirements; or new plans for newly incorporated municipalities are subject to state review as set forth in s. 163.3184.~~

~~(d)~~ Pilot program jurisdictions shall be subject to the frequency and timing requirements for plan amendments set forth in ss. 163.3187 and 163.3191, except where otherwise stated in this section.

(d)(e) The mediation and expedited hearing provisions in s. 163.3189(3) apply to all plan amendments adopted pursuant to the alternative state review process ~~by the pilot program jurisdictions.~~

(4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT ~~FOR PILOT PROGRAM.~~

(a) The local government shall hold its first public hearing on a comprehensive plan amendment on a weekday at least 7 days after the day the first advertisement is published pursuant to the requirements of chapter 125 or chapter 166. Upon an affirmative vote of not less than a majority of the members of the governing body present at the hearing, the local government shall immediately transmit the amendment or amendments and appropriate supporting data and analyses to the state land planning agency; the appropriate regional planning council and water management district; the Department of Environmental Protection; the Department of State; the Department of Transportation; in the case of municipal plans, to the appropriate county; the Fish and Wildlife Conservation

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Commission; the Department of Agriculture and Consumer Services; and in the case of amendments that include or impact the public school facilities element, the Office of Educational Facilities of the Commissioner of Education. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

(b) The agencies and local governments specified in paragraph (a) may provide comments regarding the amendment or amendments to the local government. The regional planning council review and comment shall be limited to effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of the affected local government. A regional planning council shall not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council. County comments on municipal comprehensive plan amendments shall be primarily in the context of the relationship and effect of the proposed plan amendments on the county plan. Municipal comments on county plan amendments shall be primarily in the context of the relationship and effect of the amendments on the municipal plan. State agency comments shall clearly identify as objections any issues that, if not resolved, may result in an agency request that the state land planning agency challenge the plan amendment and may include technical guidance on issues of agency jurisdiction as

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1086 it relates to the requirements of this part. ~~Such comments shall~~
1087 ~~clearly identify issues that, if not resolved, may result in an~~
1088 ~~agency challenge to the plan amendment. For the purposes of this~~
1089 ~~pilot program, Agencies shall are encouraged to~~ focus potential
1090 challenges on issues of regional or statewide importance.

1091 Agencies and local governments must transmit their comments, if
1092 issued, to the affected local government within 30 days after
1093 the state land planning agency notifies the affected local
1094 government that the plan amendment package is complete. The
1095 state land planning agency shall notify the local government of
1096 any deficiencies within 5 working days after receipt of an
1097 amendment package. Any comments from the agencies and local
1098 governments shall also be transmitted to the state land planning
1099 agency ~~such that they are received by the local government not~~
1100 ~~later than thirty days from the date on which the agency or~~
1101 ~~government received the amendment or amendments.~~

1102 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT ~~FOR PILOT~~
1103 ~~AREAS.~~

1104 (a) The local government shall hold its second public
1105 hearing, which shall be a hearing on whether to adopt one or
1106 more comprehensive plan amendments, on a weekday at least 5 days
1107 after the day the second advertisement is published pursuant to
1108 ~~the requirements of~~ chapter 125 or chapter 166. Adoption of
1109 comprehensive plan amendments must be by ordinance ~~and requires~~
1110 ~~an affirmative vote of a majority of the members of the~~
1111 ~~governing body present at the second hearing.~~ The hearing must
1112 be conducted and the amendment must be adopted, adopted with
1113 changes, or not adopted within 120 days after the agency

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comments are received pursuant to paragraph (4) (b). If a local government fails to adopt the plan amendment within the timeframe set forth in this paragraph, the plan amendment is deemed abandoned and the plan amendment may not be considered until the next available amendment cycle pursuant to s. 163.3187. However, if the applicant or local government, prior to the expiration of such timeframe, notifies the state land planning agency that the applicant or local government is proceeding in good faith to adopt the plan amendment, the state land planning agency shall grant one or more extensions not to exceed a total of 360 days after the issuance of the agency report or comments. During the pendency of any such extension, the applicant or local government shall provide to the state land planning agency a status report every 90 days identifying the items continuing to be addressed and the manner in which the items are being addressed.

(b) All comprehensive plan amendments adopted by the governing body along with the supporting data and analysis shall be transmitted within 10 days of the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under paragraph (4) (b).

(6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS ~~FOR PILOT PROGRAM.~~

(a) Any "affected person" as defined in s. 163.3184(1) (a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the amendments are "in compliance" as defined

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1142 in s. 163.3184(1)(b). This petition must be filed with the
1143 Division within 30 days after the local government adopts the
1144 amendment. The state land planning agency may intervene in a
1145 proceeding instituted by an affected person.

1146 (b) The state land planning agency may file a petition
1147 with the Division of Administrative Hearings pursuant to ss.
1148 120.569 and 120.57, with a copy served on the affected local
1149 government, to request a formal hearing. This petition must be
1150 filed with the Division within 30 days after the state land
1151 planning agency notifies the local government that the plan
1152 amendment package is complete. For purposes of this section, an
1153 amendment shall be deemed complete if it contains a full,
1154 executed copy of the adoption ordinance or ordinances; in the
1155 case of a text amendment, a full copy of the amended language in
1156 legislative format with new words inserted in the text
1157 underlined, and words to be deleted lined through with hyphens;
1158 in the case of a future land use map amendment, a copy of the
1159 future land use map clearly depicting the parcel, its existing
1160 future land use designation, and its adopted designation; and a
1161 copy of any data and analyses the local government deems
1162 appropriate. The state land planning agency shall notify the
1163 local government of any deficiencies within 5 working days of
1164 receipt of an amendment package.

1165 (c) The state land planning agency's challenge shall be
1166 limited to those objections ~~issues~~ raised in the comments
1167 provided by the reviewing agencies pursuant to paragraph (4)(b).
1168 The state land planning agency may challenge a plan amendment
1169 that has substantially changed from the version on which the

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1170 agencies provided comments. For the purposes of the alternative
1171 state review process ~~this pilot program~~, the Legislature
1172 ~~strongly encourages the~~ state land planning agency shall ~~to~~
1173 focus any challenge on issues of regional or statewide
1174 importance.

1175 (d) An administrative law judge shall hold a hearing in
1176 the affected local jurisdiction. In a proceeding involving an
1177 affected person as defined in s. 163.3184(1) (a), the local
1178 government's determination of compliance is fairly debatable. In
1179 a proceeding in which the state land planning agency challenges
1180 the local government's determination that the amendment is "in
1181 compliance," the local government's determination is presumed to
1182 be correct and shall be sustained unless it is shown by a
1183 preponderance of the evidence that the amendment is not "in
1184 compliance."

1185 (e) If the administrative law judge recommends that the
1186 amendment be found not in compliance, the judge shall submit the
1187 recommended order to the Administration Commission for final
1188 agency action. The Administration Commission shall enter a final
1189 order within 45 days after its receipt of the recommended order.

1190 (f) If the administrative law judge recommends that the
1191 amendment be found in compliance, the judge shall submit the
1192 recommended order to the state land planning agency.

1193 1. If the state land planning agency determines that the
1194 plan amendment should be found not in compliance, the agency
1195 shall refer, within 30 days of receipt of the recommended order,
1196 the recommended order and its determination to the
1197 Administration Commission for final agency action. If the

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commission determines that the amendment is not in compliance,
it may sanction the local government as set forth in s.
163.3184(11).

2. If the state land planning agency determines that the
plan amendment should be found in compliance, the agency shall
enter its final order not later than 30 days from receipt of the
recommended order.

(g) An amendment adopted under the expedited provisions of
this section shall not become effective until the completion of
the time period available to the state land planning agency for
administrative challenge under paragraph (a) 31 days after
adoption. If timely challenged, an amendment shall not become
effective until the state land planning agency or the
Administration Commission enters a final order determining that
the adopted amendment is to be in compliance.

(h) Parties to a proceeding under this section may enter
into compliance agreements using the process in s. 163.3184(16).
Any remedial amendment adopted pursuant to a settlement
agreement shall be provided to the agencies and governments
listed in paragraph (4)(a).

~~(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL
GOVERNMENTS.--Local governments and specific areas that have
been designated for alternate review process pursuant to ss.
163.3246 and 163.3184(17) and (18) are not subject to this
section.~~

~~(7)(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.--The state~~
land planning agency may adopt procedural ~~Agencies shall not~~

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1225 ~~promulgate~~ rules to administer ~~implement~~ this section ~~pilot~~
1226 ~~program.~~

1227 (8)-(9) REPORT.--The state land planning agency may, from
1228 time to time, report to ~~Office of Program Policy Analysis and~~
1229 ~~Government Accountability shall submit to the Governor, the~~
1230 ~~President of the Senate, and the Speaker of the House of~~
1231 ~~Representatives~~ on the implementation of this section, including
1232 any recommendations for legislative action ~~by December 1, 2008,~~
1233 ~~a report and recommendations for implementing a statewide~~
1234 ~~program that addresses the legislative findings in subsection~~
1235 ~~(1) in areas that meet urban criteria. The Office of Program~~
1236 ~~Policy Analysis and Government Accountability in consultation~~
1237 ~~with the state land planning agency shall develop the report and~~
1238 ~~recommendations with input from other state and regional~~
1239 ~~agencies, local governments, and interest groups. Additionally,~~
1240 ~~the office shall review local and state actions and~~
1241 ~~correspondence relating to the pilot program to identify issues~~
1242 ~~of process and substance in recommending changes to the pilot~~
1243 ~~program. At a minimum, the report and recommendations shall~~
1244 ~~include the following:~~

1245 ~~(a) Identification of local governments beyond those~~
1246 ~~participating in the pilot program that should be subject to the~~
1247 ~~alternative expedited state review process. The report may~~
1248 ~~recommend that pilot program local governments may no longer be~~
1249 ~~appropriate for such alternative review process.~~

1250 ~~(b) Changes to the alternative expedited state review~~
1251 ~~process for local comprehensive plan amendments identified in~~
1252 ~~the pilot program.~~

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~~(c) Criteria for determining issues of regional or statewide importance that are to be protected in the alternative state review process.~~

~~(d) In preparing the report and recommendations, the Office of Program Policy Analysis and Government Accountability shall consult with the state land planning agency, the Department of Transportation, the Department of Environmental Protection, and the regional planning agencies in identifying highly developed local governments to participate in the alternative expedited state review process. The Office of Program Policy Analysis and Governmental Accountability shall also solicit citizen input in the potentially affected areas and consult with the affected local governments and stakeholder groups.~~

Section 11. Section 171.091, Florida Statutes, is amended to read:

171.091 Recording.--Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

Section 12. Section 186.509, Florida Statutes, is amended to read:

186.509 Dispute resolution process.--Each regional planning council shall establish by rule a dispute resolution process to reconcile differences on planning and growth

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management issues between local governments, regional agencies, and private interests. The dispute resolution process shall, within a reasonable set of timeframes, provide for: voluntary meetings among the disputing parties; if those meetings fail to resolve the dispute, initiation of mandatory ~~voluntary~~ mediation or a similar process; if that process fails, initiation of arbitration or administrative or judicial action, where appropriate. The council shall not utilize the dispute resolution process to address disputes involving environmental permits or other regulatory matters unless requested to do so by the parties. The resolution of any issue through the dispute resolution process shall not alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.

Section 13. Subsection (29) is added to section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.--

(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.--

(a) The following are exempt from this section:

1. Any proposed development in a municipality that qualifies as a dense urban land area as defined in s. 163.3164;
2. Any proposed development within a county that qualifies as a dense urban land area as defined in s. 163.3164 and that is located within an urban service area defined in s. 163.3164 which has been adopted into the comprehensive plan; or
3. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, which qualifies as a dense urban land area under

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s. 163.3164, but which does not have an urban service area designated in the comprehensive plan.

(b) If a municipality that does not qualify as a dense urban land area pursuant to s. 163.3164 designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:

1. Urban infill as defined in s. 163.3164;
2. Community redevelopment areas as defined in s. 163.340;
3. Downtown revitalization areas as defined in s. 163.3164;
4. Urban infill and redevelopment under s. 163.2517; or
5. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).

(c) If a county that does not qualify as a dense urban land area pursuant to s. 163.3164 designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:

1. Urban infill as defined in s. 163.3164;
2. Urban infill and redevelopment under s. 163.2517; or
3. Urban service areas as defined in s. 163.3164.

(d) A development that is located partially outside an area that is exempt from the development-of-regional-impact program must undergo development-of-regional-impact review pursuant to this section.

(e) In an area that is exempt under paragraphs (a)-(c),

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1337 any previously approved development-of-regional-impact
1338 development orders shall continue to be effective, but the
1339 developer has the option to be governed by s. 380.115(1). A
1340 pending application for development approval shall be governed
1341 by s. 380.115(2). A development that has a pending application
1342 for a comprehensive plan amendment and that elects not to
1343 continue development-of-regional-impact review is exempt from
1344 the limitation on plan amendments set forth in s. 163.3187(1)
1345 for the year following the effective date of the exemption.

1346 (f) Local governments must submit by mail a development
1347 order to the state land planning agency for projects that would
1348 be larger than 120 percent of any applicable development-of
1349 regional-impact threshold and would require development-of-
1350 regional-impact review but for the exemption from the program
1351 under paragraph (a). For such development orders, the state land
1352 planning agency may appeal the development order pursuant to s.
1353 380.07 for inconsistency with the comprehensive plan adopted
1354 under chapter 163.

1355 (g) If a local government that qualifies as a dense urban
1356 land area under this subsection is subsequently found to be
1357 ineligible for designation as a dense urban land area, any
1358 development located within that area which has a complete,
1359 pending application for authorization to commence development
1360 may maintain the exemption if the developer is continuing the
1361 application process in good faith or the development is
1362 approved.

1363 (h) This subsection does not limit or modify the rights of
1364 any person to complete any development that has been authorized

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as a development of regional impact pursuant to this chapter.

(i) This subsection does not apply to areas:

1. Within the boundary of any area of critical state concern designated pursuant to s. 380.05;

2. Within the boundary of the Wekiva Study Area as described in s. 369.316; or

3. Within 2 miles of the boundary of the Everglades Protection Area as described in s. 373.4592(2).

Section 14. (1)(a) The Legislature finds that the existing transportation concurrency system has not adequately addressed the transportation needs of this state in an effective, predictable, and equitable manner and is not producing a sustainable transportation system for the state. The Legislature finds that the current system is complex, lacks uniformity among jurisdictions, is too focused on roadways to the detriment of desired land use patterns and transportation alternatives, and frequently prevents the attainment of important growth management goals.

(b) The Legislature determines that the state shall evaluate and, as deemed feasible, implement a different adequate public facility requirement for transportation which uses a mobility fee. The mobility fee shall be designed to provide for mobility needs, ensure that development provides mitigation for its impacts on the transportation system in approximate proportionality to those impacts, fairly distribute financial burdens, and promote compact, mixed-use, and energy-efficient development.

(2) The Legislature directs the state land planning agency

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1393 and the Department of Transportation, both of which are
1394 currently performing independent mobility fee studies, to
1395 coordinate and use those studies in developing a methodology for
1396 a mobility fee system as follows:

1397 (a) The uniform mobility fee methodology for statewide
1398 application is intended to replace existing transportation
1399 concurrency management systems adopted and implemented by local
1400 governments. The studies shall focus upon developing a
1401 methodology that includes:

1402 1. A determination of the amount, distribution, and timing
1403 of vehicular and people-miles traveled by applying
1404 professionally accepted standards and practices in the
1405 disciplines of land use and transportation planning, including
1406 requirements of constitutional and statutory law.

1407 2. The development of an equitable mobility fee that
1408 provides funding for future mobility needs whereby new
1409 development mitigates in approximate proportionality its impacts
1410 on the transportation system, yet is not delayed or held
1411 accountable for system backlogs or failures that are not
1412 directly attributable to the proposed development.

1413 3. The replacement of transportation-related financial
1414 feasibility obligations, proportionate-share contributions for
1415 developments of regional impacts, proportionate fair-share
1416 contributions, and locally adopted transportation impact fees
1417 with the mobility fee, so that a single transportation fee may
1418 be applied uniformly on a statewide basis by application of the
1419 mobility fee formula developed by these studies.

1420 4. Applicability of the mobility fee on a statewide or

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1421 more limited geographic basis, accounting for special
1422 requirements arising from implementation for urban, suburban,
1423 and rural areas, including recommendations for an equitable
1424 implementation in these areas.

1425 5. The feasibility of developer contributions of land for
1426 right-of-way or developer-funded improvements to the
1427 transportation network to be recognized as credits against the
1428 mobility fee by entering into mutually acceptable agreements
1429 reached with the impacted jurisdiction.

1430 6. An equitable methodology for distribution of the
1431 mobility fee proceeds among those jurisdictions responsible for
1432 construction and maintenance of the impacted roadways, so that
1433 the collected mobility fees are used for improvements to the
1434 overall transportation network of the impacted jurisdiction.

1435 (b) The state land planning agency and the Department of
1436 Transportation shall develop and submit to the President of the
1437 Senate and the Speaker of the House of Representatives, no later
1438 than July 15, 2009, an initial interim joint report on the
1439 status of the mobility fee methodology study, no later than
1440 October 1, 2009, a second interim joint report on the status of
1441 the mobility fee methodology study, and no later than December
1442 1, 2009, a final joint report on the mobility fee methodology
1443 study, complete with recommended legislation and a plan to
1444 implement the mobility fee as a replacement for the existing
1445 transportation concurrency management systems adopted and
1446 implemented by local governments. The final joint report shall
1447 also contain, but is not limited to, an economic analysis of
1448 implementation of the mobility fee, activities necessary to

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1449 implement the fee, and potential costs and benefits at the state
1450 and local levels and to the private sector.

1451 Section 15. (1) Any construction permit, development
1452 order, building permit, or other land use application that has
1453 been issued or rendered by a state or local governmental entity
1454 pursuant to chapter 125, chapter 161, chapter 163, chapter 166,
1455 chapter 253, part IV of chapter 373, chapter 378, chapter 379,
1456 chapter 380, chapter 381, chapter 403, or chapter 553, Florida
1457 Statutes, or pursuant to a local ordinance, and that has an
1458 expiration date prior on or after the effective date of this act
1459 through October 1, 2011, is extended and renewed for a period of
1460 2 years beyond the previously identified expiration date. Any
1461 new construction permit, development order, building permit, or
1462 other land use application rendered or issued after the
1463 effective date of this act may not be extended or renewed except
1464 as requested by the applicant and subject to a decision by the
1465 state or local governmental entity issuing or rendering the
1466 permit, development order, or land use decision.

1467 (2) The 2-year extension also applies to the phase,
1468 commencement, and build-out date for any development order or
1469 local land use approval, including a certificate of concurrency
1470 or developer agreement. The completion date for any required
1471 mitigation associated with any phase of construction is
1472 similarly extended so that such mitigation takes place within
1473 the phase originally intended.

1474 (3) Nothing in this act shall be deemed to extend or
1475 purport to extend any permit or approval issued by the Federal
1476 Government or any agency or instrumentality thereof, or any

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permit or approval by whatever authority issued of which the
duration of effect or the date or terms of its expiration are
specified or determined by or pursuant to law or regulation of
the Federal Government or any of its agencies or
instrumentalities. Nothing in this act shall be construed or
implemented in such a way as to modify any requirement of law
that is necessary to retain federal delegation to, or assumption
by, the state of the authority to implement a federal law or
program. Nothing in this act shall be deemed to extend or
purport to extend any permit or approval for the consumptive use
of water within Water-Use Caution Areas as permitted under
chapter 373 and chapter 403, Florida Statutes.

(4) Nothing in this act shall impair the authority of a
county or municipality to require the owner of a property, which
has received the benefit of an extension of time pursuant to
this act or pursuant to action of the municipality or county, to
maintain and secure the property in a safe and sanitary
condition in compliance with applicable laws and ordinances.

(5) The permitholder shall notify the permitting agencies
of the intent to use this extension.

Section 16. The Legislature finds that this act fulfills
an important state interest.

Section 17. This act shall take effect upon becoming a
law.